IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

MFA.No. 1467 of 1998(B)

OPMV.1801/1992 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE
.....

APPELLANT: /PETITIONER

PRABEESH K.U
(MINOR) AGED 12 YEARS,
REPRESENTED BY HIS FATHER K.U.BHASKARAN
KAVINTE UMMERATH HOUSE,
P.O SOUTH KODUVALLY
KOZHIKODE

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: /RESPONDENTS

1.P.ITHOOTTY S/O ERAMU
PULLANICHALIL VEEDU
PADANILAM P.O,
KUNNAMANGALAM VIA,
KOZHIKODE

2. M.AHAMMED KUTTY
S/O MUHAMMED
MULLAMMBALATH HOUSE
P.O KOYILANDY, KOZHIKODE.

3. KERALA STATE INSURANCE DEPARTMENT

BY GOVERNMENT PLEADER SRI.BASANT BALAJI

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & M.N.KRISHNAN J.J

M.F.A. No.1467 OF 1998

Dated this the 22nd day of January 2007

JUDGMENT

Krishnan.J

Notice to respondent No.1 & 2 not returned after service. There is already insurance coverage for the vehicle. Therefore notice to respondent No 1 & 2 is dispensed with. Heard learned counsel for the appellant as well as the counsel for respondent No.3. This is an application for compensation on account of the injuries sustained to a minor in a road accident. The Tribunal has considered entire materials and awarded compensation of Rs. 26,500/- It is against that decision the present appeal is preferred. A perusal of the treatment records reveal that the child had sustained a fracture on the occipital bone and he was in the hospital for a period of 12 days initially and subsequently undergone physiotherapy. The scan report and the treatment records also would show that the boy had recovered from the facial palsy. Though there was a fracture of the occipital bone there was no consequent brain oedma. Though the claimant produced bill for only Rs. 62.28. the Tribunal awarded Rs.2,000/- for medical expenses and the Tribunal has also awarded reasonable compensation under head of

transportation extra nourishment and damage and clothing. Considering the length of the treatment and loss of school days the Tribunal awarded compensation of Rs.2,000/- for loss of studies. Considering the brain injury the Tribunal also considered that there would have been some inconvenience and discomfort for the claimant for sometime and awarded Rs.10,000/- under that head . The Tribunal has considered all the documentary evidence in the correct perspective and we feel that the award is just and reasonable. Therefore this appeal lacks merit and is dismissed.

K.S.RADHAKRISHNAN JUDGE

M.N.KRISHNAN, JUDGE

es